

SECOND PUBLIC HEARING ON PROPOSED REGULATIONS FOR PRESCHOOLS

PROPOSED CHANGES BASED ON COMMENTS FROM AUGUST 25, 2011 PUBLIC HEARING

This document will assist providers, parents, and others to quickly identify the changes made to the proposed Preschool Regulations and the reason for the changes. This document contains **just** the changes to the Child Care Center regulations. The first column includes the "Section" where each change is located; the second column includes the reason for the change; and the third column includes a summary of the proposed change.

All changes are **bolded** in the actual regulations. For Preschools, that document is 391 NAC 5 and is available at: <http://www.sos.ne.gov/rules-and-regs/regtrack/index.cgi>

Written comments are also welcome and will be given the same consideration as comments made in person. Written comments must be postmarked or received by 5:00 p.m. CT on August 23, 2012, and sent to DHHS Legal Services, P.O. Box 95026, Lincoln, NE 68509-5026, fax 402-742-2382, or e-mailed to: DHHS.RulesandRegs@nebraska.gov

CHANGES TO PRESCHOOL REGULATIONS

Section Where Change is Located	Reason for Changing/Adding/Deleting	Proposed Changes
Section 2: Definitions (5-002)	Changes are recommendations from first public hearing.	Add and clarifies definitions for: "Approved school"; "Class B pool"; "Director"; "Licensee"; "Proper hand washing"; and "Uncompensated parent helper".
Section 4: General Requirements: Alternative Compliance – Notice of Department Decision (5-004.05E)	Change is recommendation from first public hearing.	Clarifies: Notification of Department decision will be made within 30 days of receipt of all appropriate information
Section 5: Inspections and Complaint Investigations – Complaint Investigations (5-005.07)	Change is recommendation from first public hearing.	Clarifies complaint investigation process.
Section 6: Standards of Operation and Care (4-006)		
* Background Checks, Health Information, and Employment Limitations (5-006.03) Criminal History Record Check (5-006.03A)	Changes are recommendations from first public hearing.	1) Some crimes listed under "Permanent Child Care Disqualification" were moved to "Twenty Year Disqualification". Date of "disqualification" changed from date sentence was completed to date conviction became final except when individual is incarcerated.
• Teachers Qualification: Certificated Teachers (5-006.05A)	Change is recommendation from first public hearing.	Adds: Certificated teachers employed by schools approved by NDE will be exempt from Child Care Licensing staff qualifications.
• Director Orientation and Training (5-006.07) Safety Training (5-006.07A)	Change is recommendation from first public hearing.	Change: "programs" to "preschools".
• Communicable Diseases (5-006.15) Notification to Parents (5-006.15A)	Changes are recommendations from first public hearing.	1) Change "program" to "preschool". 2) Adds "reportable" to communicable diseases that must be reported to parents.
• Discipline: Use of Physical Hold – Notification and Documentation (5-006.19D1)	Change is recommendation from first public hearing.	Clarifies length of time licensee has to notify parents when a physical hold is used on their child.

<ul style="list-style-type: none"> Transportation (5-006.23) 	Changes are recommendations from first public hearing.	1) Adds: Smoking is prohibited in the vehicle “used to transport children”. 2) Deletes “At least one staff member or volunteer in addition to the driver must be in the vehicle when transporting four or more children age six seeks to school age” and adds: “Staff – to – child ratio must be maintained whenever children are in care”.
<ul style="list-style-type: none"> Medications (5-006.24) Competence to Give or Apply Medications (5-006.24B) 	Change is recommendation from first public hearing.	Adds provisions for licensed health care professionals to give, apply, and/or administer medications “as long as it is within their scope of practice”.
* Emergency Preparedness (5-006.25) 1) Fire and Tornado Drills (5-006.25B) 2) Notification to the Department of Emergencies (5-006.25E)	1) Monthly fire safety and tornado drills are required in Life Safety Code. 2) Change is recommendation from first public hearing.	1) Increase frequency of fire safety and tornado drills to once each month. 2) Adds: “When a child has been missing, lost, or left unsupervised on or off the premises” to the required notifications to the Department.
<ul style="list-style-type: none"> Environmental Safety (5-006.27) 1) Alcohol and Controlled Substances (5-006.27B) 2) Prohibited Animals (5-006.27D) 	Changes are recommendations from first public hearing.	1) Corrects an error: If center is located in private residence, alcohol must not be consumed in any area used for child care when any child is present; if center is not located in private residence, alcohol must not be present in any area used for child care during the hours of operation. 2) Adds: ...attacked anyone “without provocation or has been determined by the local health authority to be dangerous” to an animal that must not be allowed on the premises during the hours of operation.
Section 7 Physical Plant Standards (5-007) <ul style="list-style-type: none"> Water Supply (5-007.02B) 	Change is consistent with Division of Public Health regulations for private water supply.	Clarifies coliform bacteria and lead action levels for private water supply.